

REMARKS

Before turning to the issues raised by the examiner on pages 1-3, applicant would like to address the substantive issues of the rejections of claim 2. Claim 2 has been rejected as unpatentable under 35 USC 112, first paragraph because "[t]he recitation that the fiber yarns are 'coated with adhesive' is not supported by the originally filed specification." In addition, claim 2 has been rejected under 35 USC 112, second paragraph because "...it is not clear what 'with said adhesive' refers to.

Regarding the former, page 6 of the specification as originally filed states in lines 21-25 that : "As shown in Fig. 2, each knitting yarn 4 comprises a plurality of longitudinally arranged reinforcing fiber yarns 40 made of, for example, cotton, and caterpillar-like expanded graphite 41 integrally bonded to both surfaces of the yarns 40 with adhesives..." This passage was amended to change "knitting" to "braiding," and to change "caterpillar-like" to "veriform shape." The reference to "both surfaces" was changed to "outer surface." This latter change was made for clarity since a cylinder (the yarns 40 as shown in Fig. 2) has a continuous circumferential surface and transverse end surfaces. These comprise "outer surfaces." Hence the change. No objection to these amendments to page 6, lines 21-25 was made during examination.

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Since "both surfaces" of the yarns 40 had an adhesive associated therewith, it followed that one way to express this occurrence was to state that the yarns were "coated with an adhesive." The examiner now finds this recitation objectionable. But why? The examiner states in this latest Office Action that it is because it "is not supported by the originally filed specification." But as noted above, it really is, i.e., when one considers the configuration of the

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yarns 40, and the recitation of "both surfaces" it inevitably follows that "coating" is one way to express this occurrence. Still, to avoid any further delay on this issue, applicant has decided to further amend claim 2 to state that each yarn has a surface and that surface includes an adhesive. This latest recitation should clearly be consistent with the specification. It is noted, however, that "coated" is what is meant.

Regarding the later, the noted change to claim 2 makes it clear what "with said adhesive" refers to. It simply means the adhesive included on the surface of the yarns 40.

Claim 2 has also been rejected as unpatentable under 35 USC 103(a) by Ueda et al '030 in view of Ogino et al, and also as unpatentable under 35 USC 103(a) by Case et al in view of Schnitzler. These are not new rejections. They were and are once again traversed.

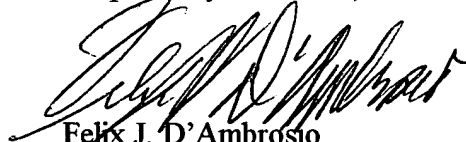
In applying Ueda et al, the examiner states "...since the narrow fibers are laminated with the graphite, the graphite surrounds the fibers. Also, fig. 8 clearly shows that the graphite surrounds the fibers." The examiner is in error on both counts. Laminating the fibers with graphite sheets does not equate to having "both surfaces" provided with "adhesives." To conclude otherwise is to be led by the disclosure of the present application, which the examiner is prohibited from doing. Then regarding Figs. 8 and 9, it is respectfully submitted that no reasonable reading of column 5, lines 3-36 of Ueda et al provides a basis for concluding that "fig. 8 clearly shows that the graphite surrounds the fibers." One cannot be sure from the noted passage, how the graphite is received by the assembly shown in Figs. 8 and 9. The examiner is not entitled to speculate. It is noted, that examination is not an adversary proceeding. It is instead ex parte. The inventor here is one of the co-inventors of the invention disclosed and claimed in the '030 patent and he is prepared to submitted an affidavit or declaration to the effect

that the graphite in Figs. 8 and 9 do not surround the fibers. If the examiner would like to have Mr. Ueda submit such an declaration, he would be happy to do so.

The remaining three references, like Ueda '030, do not teach the reinforcement set forth in claim 2 as it is now amended. In this regard, the examiner is urged to consider Enclosures A-C submitted with the Preliminary Amendment filed on December 19, 2000. They are self-explanatory and do demonstrate a difference over the references noted above.

As to the issues raised on pages 1 to the top of page 3 of the Office Action, suffice it to say that the prosecution of this application has been lengthy. The undersigned can address each and every point raised, but it would add nothing to the prosecution of claim 2. The undersigned would prefer to focus on claim 2 as it has been dealt with in the substantive portion of this Office Action. Nevertheless, if the examiner wishes, the undersigned will respond to each of the non-substantive points as well

Respectfully submitted,



Felix J. D'Ambrosio
Reg. No. 25,721

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P.O. Box 2266 Eads Station
Arlington, VA 22202
Tel: (703) 415-1500
Fax: (703) 415-1508.



MARKED-UP COPY OF AMENDED CLAIM 2

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GROUP 3600

2. (Six Times Amended) A packing, comprising:

a plurality of internally reinforced braiding yarns,

each of said internally reinforced braiding yarns including a plurality of
longitudinally arranged, spaced parallel reinforcing fiber yarns each having a surface which surface
includes an [coated with] adhesive [and] said internally reinforced braiding yarns being held
together by expanded graphite integrally bonded to and surrounding said reinforcing fiber yarns
with said adhesive, and

said plurality of said internally reinforced braiding yarns being braided
together to produce a packing string.

← 1st ¶
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